briefly alluding to the main provisions of the Bill, he moved that its principle be affirmed.

Seconded by Mr. Vieyra.

Carried.

Mr. Subba Iyer then proposed that the Bill be referred to a Select Committee, consisting of Mr. Vieyra, Mr. Kesava Pillai and the mover, to report within two months.

Seconded by Mr. Krishnan Nair.

Carried.

THE LUNACY REGULATION AMENDMENT BILL.

Mr. Subba Iyer introduced the Lunacy Regulation Amendment Bill and explained that, under Section 21 of the Regulation, the power of arresting dangerous lunatics wandering at large in public streets or thoroughfares, was given only to officers of and above the rank of Station House Officer, and that, as the Sub-Inspectors who, under the present system, were the officers in charge of Stations, could not, with their multifarious duties, be always expected to remain at the Stations, it would often be found difficult to communicate with them and get them down to the spot in time to avert danger to the public. Mr. Subba Iyer therefore said that it was necessary to amend the law, so as to empower the Head Constables to make arrests, and he moved that the principle of the Bill be affirmed.

Seconded by Mr. Vieyra.

Carried.

Mr. Subba Iyer said that, that being a very small Bill, containing an amendment to a single provision of the Regulation, there was no need to refer the Bill to a Select Committee. He therefore proposed, under Rule 66 of the Legislative Council Rules, that the operation of the ordinary rules be suspended, so that the Bill might go through all the further stages except the final reading.

Seconded by Mr. Aiyappan Pillai.

Carried.

Mr. Subba Iyer then proposed that the Bill be read again on a future day of which notice should be given.

Seconded by Mr. Vieyra.

Carried.

THE LAND ACQUISITION REGULATION AMENDMENT BILL.

Mr. Subba Iyer proposed that this Bill which had been adjourned to that meeting be taken up for consideration.

The motion was put and agreed to.

Section 3.

The President observed that the retention of the words "above the grade of a Tahsildar" in Clause (c) would fetter the freedom of the Government in appointing Land Acquisition officers, and he doubted the need for such restriction. Mr. Viera accordingly proposed that the words "above the grade of a Tahsildar" occurring in Clause (c) be omitted.

Seconded by Mr. Aiyappan Pillai.

Carried.

Mr. Subba Iyer pointed out that para 2 of Clause (d) was unnecessary, as disabilities of a married woman had been removed by the Married Woman's Prope Act of 1907. He therefore moved that the said para be expunged from the Bill that the word "and" be inserted after the word "disability" in para 1 of the Clau

Seconded by Mr. Vieyra.

Carried.

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Section 4.

Mr. Sesha Iyer proposed that sub-section 2 be recast as follows:—

"Thereupon it shall be lawful for any officer, either generally or specially authorised by Our Government in this behalf, and for his servants and workmen,—

to enter upon and survey and take levels of any land in such locality;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted for such purpose;

to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

to mark such levels, boundaries and line by placing marks and cutting trenches;

and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:"

Seconded by Mr. Mahadeva Iyer.

Carried.

Section 5.

Mr. Kesava Pillai proposed that the words "pay or tender" which occur in the British Act be substituted for the word "offer" in line 3 of the Section, and that the words "so paid or tendered" be substituted for the words "to be paid" in line 7.

Seconded by Mr. Mahadeva Iyer.

Carried.

Mr. Krishnan Nair moved that the words "Our Government" be substituted for "the Dewan" in line 11.

Seconded by Mr. Subba Iyer.

Carried.

Section 6.

Mr. Vieyra proposed that the word "over," be substituted for the word "under" in line 6 of sub-section (1), and that the word "Proverthy" in line 4 of sub-section (2) be omitted.

Seconded by Mr. Aiyappan Pillai.

Carried.

Section 7.

Mr. Subba Iyer proposed that the following be inserted as the marginal note to the Section:—

"After declaration, the Division Peishkar to take order for acquisition."

Seconded by Mr. Vieyra.

Carried.

Section 9.

Mr. Kesava Pillai stated that the provisions of sub-section (3) had the effect of nullifying the other provisions of the Bill relating to notice, and he, therefore, moved that the said sub-section be omitted.

Seconded by Mr. Parameswaren Pillai.

Mr. Subba Iyer said that publication in the Gazette was but an additional method of giving notice and that it would not and was not intended to affect in any way the Division Peishkar's obligation to have the notice served in the manner prescribed in the Section.

After some discussion, the Council resolved to re-number sub-sections (3), (4) and (5), as (5), (3) and (4), respectively, to omit the word, "also" in line 2 of the present sub-section (4), to substitute the word "The" for "Such" in line 1 and to omit the words "in connection with all proceedings under this Regulation" in lines 4 and of the present sub-section 3.

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Section 10.

Mr. Subba Iyer proposed that the following be inserted as the marginal note to para 1 of the Section:—

"Power to require and enforce the making of statements &c.".

Seconded by Mr. Mahadeva Iyer.

Carried.

Section12.

Mr. Subba Iyer moved that the words "when to be final" be substituted for the words "to be filed and to be evidence" in the marginal note to sub-section (1).

Seconded by Mr. Krishnan Nair.

Carried.

Mr. Kesava Pillai moved that the following be added as sub-section (3):—

"Any person interested may apply to the Division Peishkar within thirty days "from the date of the notice in sub-section (2) to set aside an award made *ex parte* "against him; and if he satisfies the Division Peishkar that the notice in Section 9 was "not duly served or that he was prevented by any sufficient cause from appearing when "the enquiry was held, he shall pass an order to set aside the award upon such terms "as he thinks fit and shall appoint a day for proceeding with the enquiry."

The motion not having been seconded, fell through.

Section 17.

Mr. Subba Iyer proposed that a new sub-section analogous to sub-section (2) of Section 17 of the British Act, providing for the acquisition of lands required for purposes of Railway administration, be added.

The President observed that cases of the kind contemplated would be adequately met by sub-section (1), and that there was, in his opinion, no need for any additional provision.

Mr. Subba Iyer accordingly withdrew the amendment.

Section 19.

Mr. Kesava Pillai moved that the words "paid, tendered or" be inserted between "and" and "offered" in line 2 of Clause (c) of sub-section (1).

Seconded by Mr. Parameswaren Pillai.

Carried.

Section 21.

Mr. Kesava Pillai proposed that the following be added as a separate Section after Section 21:—

"Every such proceeding shall take place in open Court and all persons entitled to "practise in the District Court to which the reference is made under Section 18, shall be "entitled to appear, plead and act (as the case may be) in such proceeding."

Mr. Subba Iyer stated that no Court would take such proceedings in chambers and that the provision regarding pleaders was superfluous, as the required provisions were contained in the Civil Procedure Code.

Mr. Sesha Iyer agreed with Mr. Subba Iyer with reference to the provision regarding pleaders, but said that there was no objection to provide expressly, in conformity with Section 22 of the British Act, that the proceedings should be taken in open Court.

Mr. Kesava Pillai accepted the above suggestion.

The Council thereupon resolved to add the words "and every such proceeding take place in open Court" after the word "objection" in line 5.

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Section 22.

Mr. Kesava Pillai pointed out that Section 23 of the British Act had been adopted in Section 22 of the Bill, with the exception of the sixth clause of sub-section (1) and sub-section (2). He moved the following amendments, so as to bring the Section into line with that of the British Act:—

Delete the word "and" occurring after the word "earnings" in line 7, Clause (4), and insert it after the word "change" in line 5, Clause (5).

Add, as a new Clause (6), the following :—

"Sixthly, the damage (if any) *bona fide* resulting from diminution of the profits "of the land between the time of the publication of the declaration under Section 6 and "the time of the Division Peishkar's taking possession of the land."

Add the following as sub-section (2):—

"In addition to the market value of the land, as above provided, the Court shall, "in every case, award a sum of fifteen per centum on such market value, in consideration "of the compulsory nature of the acquisition."

Seconded by Mr. Thomas.

Carried.

Section 23.

Mr. Kesava Pillai proposed that Clause (7) of the Section be recast as follows, to bring it into conformity with the corresponding provision of the British Act: —

"Any outlay or improvements on, or disposal of, such land, made, commenced or "effected, without the written sanction of the Division Peishkar, after the publication of "the declaration under Section 6".

Seconded by Mr. Easwara Pillai.

Carried.

Section 24.

Mr. Subba Iyer moved that the figure "11" be substituted for "12" after the word "Section" in line 9 of sub-section (1), and that "Court" be substituted for "Judge" in lines 4 and 3 of sub-sections (2) and (3), respectively.

Seconded by Mr. Krishnan Nair.

Carried.

Section 25.

Mr. Kesava Pillai moved the following amendments :—

Add the following sub-section (1) of Section 27 of the British Act as sub-section (2) :—

"Every such award shall also state the amount of costs incurred in the proceed-"ings under this Part, and by what persons and in what proportions they are to "be paid."

Add the following Section 28 of the British Act as sub-section 3 :—

"If the sum which, in the opinion of the Court, the Division Peishkar ought "to have awarded as compensation is in excess of the sum which the Division Peishkar "did award as compensation, the award of the Court may direct that the Dewan shall "pay interest on such excess at the rate of six per centum per annum from the date "on which the Division Peishkar took possession of the land to the date of payment of "such excess in Court."

Seconded by Mr. Parameswaran Pillai, who suggested that the word "Government" be substituted for the word "Dewan" in the above sub-section.

Carried in accordance with the above suggestion.

Section 28.

Mr. Subba Iyer moved that sub-section (3) of Section 31 of the British Act be added as sub-section (3).

Seconded by Mr. Mahadeva Iyer.

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The President pointed out that, while, under sub-section (3) of Section 31 of the British Act, the powers of the Collector in coming to an arrangement with a person having a *limited interest* in the land were restricted to one of the three ways specified in the sub-section, his powers under sub-section (4) were unlimited in regard to the arrangements which he could make with 'any person interested in the land and competent to contract in respect thereof.' The President suggested that sub-section (4) of Section 31 of the British Act be also added as sub-section (4) of Section 28 of the Bill, the previous sanction of the Government being made a *sine qua non* for the exercise of the power by the Division Peishkar.

Mr. Subba Iyer accordingly moved that the following be added as sub-sections 3 and 4 of Section 28 :—

"(3) Notwithstanding anything in this Section, the Division Peishkar may, "with the sanction of Our Government, instead of awarding a money compensation in "respect of any land, make any arrangement with a person having a limited interest in "such land, either by the grant of other lands in exchange, the remission of land "revenue on other lands held under the same title, or in such other way as may be "equitable, having regard to the interests of the parties concerned.

"(4) Nothing in the last foregoing sub-section shall be construed to interfere "with or limit the power of the Division Peishkar to enter into any arrangement with "any person interested in the land and competent to contract in respect thereof: "Provided that no such arrangement shall be made without the previous sanction "of Our Government."

Seconded by Mr. Krishnan Nair.

Carried.

Section 29.

Mr. Vieyra proposed that the words "Our Government" be substituted for the words "the Division Peishkar" in line 6 of sub-section (2).

Seconded by Mr. Subba Iyer.

Carried.

Sections 32, 33, and 34.

Mr. Subba Iyer moved that three Sections, corresponding to Sections 35, 36 and 37 of Part VI of the British Act, relating to the temporary occupation of land not required for permanent use, be added to the Bill.

Seconded by Mr. Mahadeva Iyer.

The President said that his experience showed that, even in cases where land was required only temporarily, the better policy was to acquire the land permanently and dispose of it when the necessity was over and credit the sale proceeds to the Government. The people generally preferred this. He therefore said that the addition of the Sections suggested did not appear to him to be necessary.

Resolved accordingly.

Section 34.

Mr. Mahadeva Iyer moved that the word "Division" be inserted between the words "the" and "Peishkar" in line 3, and the words "or tender" between the words "pay" and "such" in line 7 of sub-section 2.

Seconded by Mr. Kesava Pillai.

Carried.

Section 35.

Mr. Vieyra moved that the word "other" be inserted between the words "or" and "building", occurring in lines 8, 15, 21 and 33 of sub-section (1).

Seconded by Mr. Subba Iyer.

Carried.

Mr. Mahadeva Iyer proposed that the word "Division" be inserted between the words "the" and "Peishkar" in line 11, and the word "District" between the words "the and "Court" in line 24 of the same sub-section.

Seconded by Mr. Krishnan Nair.

Carried.

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Mr. Kesava Pillai moved that, in conformity with the amendments made in Section 22, the words "sub-section (1), Clause (3)," be substituted for the word "thirdly" in line 2 of sub-section (2).

Seconded by Mr. Mahadeva Iyer.

Carried.

Section 36.

Mr. Vieyra proposed that the marginal note to the Section be revised as follows:—
"Notice of suits for anything done in pursuance of this Regulation and limita-
"tion thereof."

Seconded by Mr. Subba Iyer.

Carried.

Section 37.

Mr. Mahadeva Iyer proposed that the word "District" be inserted between the words "the" and "Court" in line 7 of the Section, as also between the words, "before" and "Court," in the marginal note to the Section.

Seconded by Mr. Krishnan Nair.

Carried.

Section 38.

Mr. Krishnan Nair stated that the Court referrrd to in line 8 was the Court of first instance, and he therefore proposed that the word "District" be inserted between the words "the" and "Court" in line 8.

Seconded by Mr. Subba Iyer.

Carried.

Section 39.

Mr. Krishnan Nair observed that the Court referred to was the Appellate Court and he moved that the words "High Court" be substituted for the word "Courts" in line 7 of the Section.

Seconded by Mr. Subba Iyer.

Carried.

Mr. Kesava Pillai proposed that a new Section 40 be inserted analogous to Section 45 of the British Act in regard to the service of notices. The President remarked that Section 45 of the British Act applied to all notices under the Act, and that, as Sections 37 and 39 of the Bill made the Code of Civil Procedure applicable to proceedings taken before Judicial Tribunals under the Regulation, it would suffice to put in a provision in regard to the service of notices by the Division Peishkar.

Resolved accordingly that the following be inserted as Section 40 :—

"Service of notice by Division Peishkar."

"40. (1). Service of any notice by the Division Peishkar under this "Regulation shall be made by delivering or tendering a copy thereof "signed by him.

"(2) Whenever it may be practicable, the service of the notice shall be made "on the person therein named.

"(3) When such person cannot be found, the service may be made on any "adult male member of his family residing with him; and, if no such adult male "member can be found, the notice may be served by fixing the copy on the outer door "of the house in which the person therein named ordinarily dwells or carries on business, "or by fixing a copy thereof in some conspicuous place in the office of the Division "Peishkar and also in some conspicuous part of the land to be acquired:

"Provided that, if the Division Peishkar shall so direct, a notice may be sent by "Post or Anchal and registered, in a letter addressed to the person named therein at "his last known residence, address or place of business, and service of it may be "proved by the production of the addressee's receipt."

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Section 40.

Mr. Mahadeva Iyer proposed that the words "Our Government may" be substituted for the words "The Dewan may with Our sanction" in lines 1 and 2 of the present Section 40 and that it be numbered as 41.

Seconded by Mr. Aiyappan Pillai.

Carried.

Mr. Subba Iyer then moved that the Bill, thus amended by the Council, be read again on a future day of which due notice should be given.

Seconded by Mr. Vieyra.

Carried.

THE GAME PRESERVATION REGULATION AMENDMENT BILL.

Mr. Subba Iyer moved that the report of the Select Committee on the Game Preservation Regulation Amendment Bill be taken up for consideration.

Seconded by Mr. Vieyra.

Carried.

Mr. Kesava Pillai suggested that fish be entirely excluded from the purview of the Bill, its scope being confined to the protection and preservation of game. He invited the attention of the Council to the observations of Mr. Ananda Row, who, in introducing the Bill, said that the main principle of the Bill was the protection of the game of the country, no mention of fish being made. Mr. Kesava Pillai, therefore, moved that the word "fish" be omitted from the Preamble, and from the other portions of the Bill in which the term occurs.

Mr. Sesha Iyer referred to the representation made at the last Session of the Assembly by Mr. A. J. Wright, Member, Kannen Devan Planters' Association, wherein the Member urged the need for the protection of fish, especially as the introduction of 'trout' into the hill-streams was being tried by the Association at considerable expense. Mr. Sesha Iyer stated that it was not probably very necessary to protect all kinds of fish, and that, if that was so, the different kinds of fish which were to have legislative protection should be specified.

Mr. Vieyra said that it was not possible to make a list of all the different kinds of fish in existence and that, all the same, it was very necessary to protect fish generally.

The President observed that Mr. Kesava Pillai not having objected to the inclusion of fish within the scope of the Bill, when its principle was affirmed by the Council it was not open to him at that stage to make any suggestion affecting the principle. The President added that fish, which was largely used for food and manure, formed a min of wealth and that it needed protection in his opinion.

As the sense of the meeting was against the omission of fish from the Bil Mr. Kesava Pillai withdrew his amendment.

Section 1.

Mr. Vieyra proposed that the words "and Fish" be added between the words "Game" and "Protection" in line 2 of sub-section (1).

Seconded by Mr. Subba Iyer.

Carried.

Section 5.

Mr. Kesava Pillai moved that the words "or in any rules made thereunder" be added after the word "Regulation" in line 1.

After some discussion, it was resolved that the proposed amendment was unnecessary in view of Section 19 which gave the force of law to the rules framed under the Regulation.

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